



**Government of Jammu and Kashmir
Civil Secretariat, Home Department
Jammu/Srinagar**

NOTIFICATION

Jammu, the 30th, January, 2019

SRO05 :-Whereas, on 15.11.2017 Police Station, Qazigund received a docket from Naka I/C Head Constable Mohd Akber PID No. 27/Kgm of P/S Qazigund to the effect that he alongwith IRP personnel 18th Bn. E-Coy posted at Railway Station, Qazigund were performing Naka duty at Check-Budwani Railway Road and during Naka duty, vehicles were being searched and while searching, a Sumo bearing registration No. JK 14-A/3071 which was driven by driver Farooq Ahmad Mir S/o Mohd Mabqool Mir R/o Uril Kund towards Qazigund, and a passenger with intent to kill, attempted to open fire upon the Police Party with his illegally acquired weapon. However, Police Party succeeded to overcome the situation and arrested him tactfully. While searching the accused, huge quantity of arms and ammunition was recovered from the possession of accused which was covered by him with a blanket to be used for terrorist activities. On conducting preliminary enquiry, he disclosed his name as Shams-ul Waqar @ Piyara S/o Mohd Amin Teeli R/o Larm Ganjipora etc.; and

2. Whereas, in this connection, a case FIR No. 314/2017 under section 307, RPC, 7/25,7/27 Arms Act, 13,16,18,20,38,39 ULA(P) Act came to be registered in Police Station, Qazigund; and

3. Whereas, during the course of investigation, site plan of place of occurrence and the seizure memo of recovered arms/ammunition was prepared. Seizure memo of vehicle Sumo bearing registration No. JK14-A/3071 was also prepared. Statement (Istefsar) of the accused Shams-ul-Waqar @ Piyara S/o Mohd Amin Teeli R/o Larm Ganjipora, an active terrorist of LeT was recorded wherein he disclosed that he had joined the outfit/Organization in the year 2016 and had played a vital part in different terrorist activities especially at Mirbazar, Bonigam, Halnoo Kund with his militant associates ; and

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4. Whereas, investigation conducted revealed that on 15.11.2017, Shams-ul-Waqar @ Piyara S/o Mohd Amin Teeli R/o Larm Ganjipora and Amir Hussain Mir @ Hyder S/o Mohd Yousuf Mir R/o Check-i-Cholina, Shopian escaped together from the spot and covered their illegally acquired arms ammunition in a blanket, boarded in a Sumo vehicle bearing registration No. JK14-A/3071 and went towards Qazigund. On reaching Checki-Budwani railway road there was a Naka Police Party conducting vehicle checking, stopped the vehicle for checking in which Shams-ul-Waqar @ Piyara S/o Mohd Amin Teeli R/o Larm Ganjipora and Amir Hussain Mir @ Hyder S/o Mohd Yousuf Mir R/o Check-i-Cholian Shopian were boarding. Where Shams-ul-Waqar @ Piyara S/o Mohd Amin Teeli R/o Larm Ganjipora attempted to fire upon Police Party with the intention to kill them but was caught tactfully by the Police. However, Amir Hussain Mir @ Hyder mentioned above fled away from the spot and Police recovered huge arms ammunition from his possession which were covered by them in a blanket; and

5. Whereas, the statement of Sumo driver namely Farooq Ahmad Mir S/o Mohd Maqbool Mir R/o Uril Kund was recorded U/S 164-A Cr.PC before the court of law wherein he has divulged that he was plying his vehicle from Waltengo Kund to Qazigund, after plying near about 02 Kilometers 02 persons boarded in my vehicle sumo alongwith one bag and folded blanket. While reaching at railway station Qazigund some passengers came down and left towards Qazigund via Check-Budwani road where a Police party was conducting vehicle checking and searched my vehicle and recovered huge arms ammunition from the possession of one passenger covered in a folded blanket, who tried to open fire upon police party with his illegally acquired weapon but Police party succeeded to overcome the situation and trapped him tactfully and then officers came on spot and have taken the recovered/seized arms ammunition, my vehicle sumo and the person arrested to Police Station Qazigund; and

6. Whereas, the arms/ammunition recovered have been sent to FSL Jammu for ballistic examination for furnishing expert opinion which is still awaited from Director FSL Jammu; and

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7. Whereas, investigation conducted and evidences collected and statements of witnesses recorded, a prima facie case has been established against the accused namely Shamsul-Waqar @ Piyara S/o Mohd Amin Teeli R/o Ganjipora for the commission of offences punishable U/S 307 RPC, 7/27 Arms Act, 13,16,18,20,38,39 ULA(P) Act and offences U/S 7/25 Arms Act, 13,16,18,20,38,39 ULA(P) against Amir Hussain Mir @ Hyder S/o Mohd Yousuf Mir R/o Check-i-Cholina Shopian. The accused Shams-ul-Waqar @ Piyara S/o Mohd Amin Teeli R/o Ganjipora was arrested in the case and remand has been obtained in respect of the accused from the Hon'ble Court of law from time to time whileas accused Amir Hussain is absconding against whom proceedings u/s 512 CrPC has been initiated and the investigation have been concluded as challaned; and

8. Whereas, the matter was examined in the department and it was decided to seek clarification from Director General of Police, J&K, as to how the offences u/s 16,20 and 39 of ULA(P) are made out against the accused persons and the DG(Police), vide communication dated 18.09.2018 has provided the necessary clarifications; and

9 Whereas, the Authority appointed by the State Government under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, has independently scrutinized the Case Diary file and all the other relevant documents relating to the case and has come to a definite conclusion that this is a fit case for accord of prosecution sanction against the said accused persons for commission of offences punishable under Section 13,18,20 and 38 of the Unlawful Activities (Prevention) Act, 1967; and

10. Whereas, after perusing the Case Diary, the relevant documents and also taking into consideration the observations/views of the Authority appointed under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the State Government is of the view that there is sufficient material and evidence available against the accused persons for their prosecution under the aforesaid provisions of law.

11. Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention)

Act, 1967, the State Government hereby accords sanction for launching prosecution against the below mentioned accused persons namely Shams-ul-Waqar @ Piyara S/o Mohd Amin Teeli R/o Ganjipora and Amir Hussain Mir @ Hyder S/o Mohd Yousuf Mir R/o Check-i-Cholina Shopian for the commission of offence punishable under sections 13,18,20,38 of the Unlawful Activities (Prevention) Act, 1967, arising out of FIR No. 314/2017 of Police Station Qazigund.

By Order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to the Government
Home Department

No. Home/Pros/27/2018

Dated: 03.01.2019

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No.Legal/San-10/S/2018/63349-52 dated 18/09/2018. The CD file in original is returned herewith, receipt of which may kindly be acknowledged.
2. Secretary to the Government, Department of Law, Justice & Parliamentary Affairs. (w.7.s.c.)
3. Private Secretary to Principal Secretary to the Government, Home Department.
4. Stock file.

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31.1.19

Under Secretary to the Government
Home Department